

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)

Plaintiffs)

v.)

EXCAVATING SERVICES, INC.)

Defendant.)

Case No. 4:09cv01277 HEA

JUDGMENT

Plaintiffs filed this action to recover, *inter alia*, delinquent contributions and liquidated damages allegedly owed to the plaintiff employee benefit funds pursuant to 29 U.S.C. §§185 and 1132. Plaintiffs also seek to recover attorneys' fees and court costs incurred in this action. Defendant was served with the summons and complaint on August 24, 2009. Defendant has not entered an appearance or filed an answer. This Court granted plaintiffs' Motion for Default Order of Accounting on October 1, 2009.


Based on a payroll examination covering the period of March 1, 2006 through September 30, 2009, it appears that defendant reported the correct number of hours worked by its employees covered under the collective bargaining agreements to which defendant are parties. However, defendant submitted several untimely payments, resulting in assessment of \$6,347.78 in liquidated damages as prescribed by the collective bargaining agreements. Further, the collective bargaining agreements and ERISA, 29 U.S.C. §1132(g), require defendant to pay plaintiffs' attorneys' fees costs. Plaintiffs incurred \$1,233.50 in attorneys' fees and \$409.50 in court costs and special process server fees. Based on the evidence presented, the Court finds that

the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount sought for attorneys' fees is reasonable.

The total amount owed by defendant to plaintiffs during this time period is \$7,990.78.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that plaintiffs shall recover from defendant Excavating Services, Inc., the total of \$7,990.78.

SO ORDERED:



HON. HENRY E. AUTREY
UNITED STATES DISTRICT JUDGE

Date: 7.29.2010